

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DOMINIC V. DiMODICA,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-10286-PBS
	)	
ROBERT MURPHY, KATHLEEN	)	
DENNEHY, and the MASSACHUSETTS	)	
DEPARTMENT OF CORRECTION,	)	
	)	
Defendants.	)	
	)	

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**JOINT MOTION TO EXTEND THE DATE FOR FILING AN EVALUATOR'S REPORT, SUSPEND THE SUMMARY JUDGMENT DEADLINE, AND CONVERT THE SUMMARY JUDGMENT HEARING TO A FURTHER STATUS CONFERENCE**

The parties respectfully request that the Court (1) extend the time in which Plaintiff, Dominic V. DiModica (“DiModica” or “Plaintiff”), must file a report from an expert evaluator, (2) suspend the March 15, 2007 date for Defendants to respond to the amended complaint and for the parties to file summary judgment motions, and (3) convert the April 13 summary judgment hearing to a further status conference. In support of this Motion, the parties state as follows:

1. Plaintiff has retained Dr. Paul D. Zeisel, a forensic psychologist, to evaluate Plaintiff and propose a treatment plan. A copy of Dr. Zeisel’s curriculum vitae is attached as Exhibit A.
2. The Court set a deadline of February 28, 2007 for Plaintiff to submit a report from an evaluator. Because Dr. Zeisel is presently reviewing Plaintiff’s treatment records as part of his evaluation, he has not yet prepared a report. Therefore, the

parties respectfully request that the Court extend the date by which Plaintiff must file Dr. Zeisel's report to April 6, 2007.

3. The Court scheduled a hearing for summary judgment motions on April 13, 2007 at 3 p.m. The parties respectfully request that the Court convert the summary judgment hearing to a further status conference. At that time, Plaintiff will have submitted Dr. Zeisel's report to both the Defendants and the Court. Also at that time, the Court can re-set the summary judgment deadline, if necessary, and establish deadlines for any further action in this matter based on Dr. Zeisel's report.
4. The parties continue to work in good faith in an effort to resolve this matter without a trial or prolonged litigation.

WHEREFORE the parties respectfully request that the Court extend the time for Plaintiff to file Dr. Zeisel's report, suspend the March 15 summary judgment deadline, and convert the April 13 summary judgment hearing to a further status conference.

Respectfully submitted,

DOMINIC V. DiMODICA,

ROBERT MURPHY, KATHLEEN DENNEHY, and the MASSACHUSETTS DEPARTMENT OF CORRECTION,

By his attorney,

/s/ Jennifer A. Serafyn  
 Jennifer A. Serafyn (BBO #653739)  
 Seyfarth Shaw LLP  
 World Trade Center East  
 Two Seaport Lane, Suite 300  
 Boston, MA 02210-2028  
 (617) 946-4800

/s/ Mary P. Murray  
 Mary P. Murray (BBO #555215)  
 Department of Correction  
 Massachusetts Treatment Center  
 Legal Office  
 30 Administration Road  
 Bridgewater, MA 02324  
 (508) 279-8184

Dated: February 28, 2007

Dated: February 28, 2007

## **Exhibit A**

**Curriculum Vitae**

PAUL D. ZEIZEL

**Permanent Address:**

529 Ward Street  
 Newton, MA 02459  
 (617) 965-8191

**Office Address:**

1101 Beacon St, Ste. 8E  
 Brookline, MA 02446  
 (617) 731-4300

**Educational Background:**

- 1981 - 1987 Massachusetts School of Professional Psychology, Psy.D.  
 Clinical Psychology
- 1978 - 1979 Harvard University  
 Graduate School of Education  
 Ed.M.  
 Majority of coursework in Psychology and Social Relations.
- 1977 - 1978 Boston University Graduate School  
 Counselor Education Department  
 Humanistic - Existential Team  
 Ed.M.
- 1973 - 1977 Queens College  
 City University of New York  
 B.A. Magna Cum Laude
- 1974 - 1975 University of Leeds, England  
 Visiting Student

**Work Experience:**

- 1994 -current Sovner Center - a program of Bridgewell  
 Clinical Director  
 65 Newbury Street  
 Danvers, MA 01923  
 Evaluations and treatment of Forensic Patients:  
 .Team Leader in Clinical Case Conference and Risk Management meetings  
 .Supervise and train psychology graduate students  
 .Supervise Master's level clinicians
- 1986 -current Forensic Consultant (appointed by Department of Correction as Qualified Examiner to  
 examine and make recommendations pertaining to Sexual Dangerousness, M.G.L.,  
 Chapter 123A, Section 1, 12, 13, and 9.)  
 Probate and Family Courts, Norfolk and Newton  
 District Courts, East Boston, Roxbury, Malden, Newton  
 Juvenile Court, Boston  
 US Federal Courts  
 Superior Court, Suffolk County, Middlesex County, Plymouth County, and Essex County  
 to testify at Section 9, Section 13A, probable cause hearings

Qualified as an independent expert examiner to evaluate and testify on Sec. 9 cases (Sexually Dangerous Person) in Superior Court, Middlesex, Suffolk, Plymouth and Essex, Worcester, Hampden, Norfolk Counties. Over 400 trials

- .Perform psychodiagnostic evaluations
- .Provide expert testimony for disability, trauma, and psychopathology
- .Consultant to District Attorney's Offices – multiple counties – Sexually Dangerous Person's Law
- .Investigate and make recommendations regarding child custody, care, and protection, and criminal responsibility, and competency
- .Fulfill court appointments as Guardian ad litem
- .Petition for Section 18(a) transfers to psychiatric facilities
- .Evaluations and court testimony in front of Sex Offender Registry Board

1997 - 1998 Tri-City Mental Health and Retardation Center, Inc.  
61 Boston Avenue  
Medford, MA 02155

Hired by DSS to provide sexual offender and sexual abuse evaluation for clients and families of DSS. Evaluations include psychodiagnostic assessment and reports for court testimony.

1990 - 1993 Assistant Chief of Mental Health.  
Suffolk County House of Correction, Boston, MA  
Develop and direct mental health services and sophisticated suicide prevention program for 1200 male and female inmates.  
.Train doctoral and medical students affiliated with Massachusetts General Hospital — Law and Psychiatry Department  
.Conduct in-service education modules for medical and corrections staff  
.Evaluate inmates for parole  
.Conduct research study on stalkers and violators of restraining orders  
.Provide 24 hour emergency on-call coverage  
.Evaluate level of dangerousness for inmates

1988 -current Private Practice in Cognitive-Behavioral Psychotherapy  
1101 Beacon Street, Suite 8E  
Brookline, MA 02446

1985 - 1993 Association for the Advancement in Behavioral Sciences  
Westlake, CA

Part-time instructor in psychology licensing review course

1987 -current Newton-Wellesley Hospital  
2014 Washington Street  
Newton, MA 02465

Providing supervision to Post-Doctoral trainees in Cognitive-Behavioral Psychology and Inpatient Evaluation of C.C.D./Anxiety Disorders

1993 -current Office of Medical Services  
Central Intelligence Agency

Supplemental Care Provider with Employee Assistance Program

1981 - 1988 Behavior Associates of Boston  
45 Newbury Street  
Boston, MA. 02116

Psychology assistant in group private practice.  
Individual and group treatment of adults in outpatient setting using Behavior Therapy  
Behavioral consultant to Metropolitan State Hospital, Cambridge-Somerville Unit  
Specialization in Behavioral Medicine, agoraphobia, and anxiety disorders

1984 - 1985 Behavioral Medicine Center of New England  
54 Hopedale Street  
Hopedale, MA

Pre-Doctoral Internship in outpatient practice.  
Individual psychotherapy; Psychological testing and staff training at Milford-Whitinsville Hospital. Training included stress management, workshops to Nursing Department on Behavioral Strategies with difficult patients. Consulting and admitting privileges at Milford-Whitinsville Hospital

1979 - 1981 Wrentham State School  
Psychology Department  
P.O. Box 144  
Wrentham, MA

Principal Supervising Psychologist assuring the delivery of quality psychological services through staff training, supervision and direct counseling and psychological testing for clients. Provided cognitive assessments and behavioral management plans for specific clients. In charge of delivery of psychological services to 100 developmentally disabled clients. Supervised Boston College students -- M.A. level

1980, Fall Fisher Junior College Instructor  
Boston, MA

1977 - 1978 Somerville Mental Health Center  
63 College Avenue  
Somerville, MA

Psychology Intern, providing long- and short-term psychotherapy with children and adults, and group therapy with children and adolescents.

1975 - 1977 Oz Counseling Center  
153-07 61st Road  
Flushing, NY

Counselor for members of the College community, coordinator of staff meetings and participants in the training of new staff.

1976      New York University Medical Center  
 Institute of Rehabilitation Medicine  
 400 East 34th Street  
 New York, NY

Awarded fellowship in Health Services. Learned how therapy was provided to disabled patients. Attended Grand Rounds.

1975      Lifeline Center for Child Development  
 84-74 169th Street  
 Jamaica, NY

Teacher of Emotionally Disturbed Children

**Presentations:**

- November 2006, Guest Lecturer, Tabor Academy, Forensic Psychology "Risk Assessment of Dangerousness" to Psychology classes
- September 2004 – 2005, Massachusetts Professional Psychology, Field Placement Supervisor for School Profession Psychology provided clinical supervision and forensic training of fourth year doctoral student
- December 2005, Hua Hin, Thailand, Consultation to real estate development company, partnership with Ministry of Children to discuss development and planning of women and children's shelter who've been trafficked and sexually exploited in commercial sex trade
- December 2005, Consultant to Sok Sabay, Phnom Penh, Cambodia – Requested by United States Embassy to informally consult to residential shelter, training of staff and providing psychodiagnostic evaluation of children rescued from situations of enslaved prostitution, violence, abandonment and slavery.
- May 2004, Guest Lecturer, Newton North High School: "Law and Psychology" – Forensic Evaluation
- September 2004 – Training seminar, Forensic Psychology Evaluations and Treatment
- June 2002, Consultant to New Jersey Protection and Advocacy, Trenton New Jersey, Attorney General's Office – involved in Federal law suit for six developmentally disabled individuals with sex offender history to recommend appropriate treatment paradigms for individuals who will be transitioned from institutional setting to the community, additionally, working with developmentally disabled arsonists who set fires which resulted in the loss of life.
- October 2001, Training, "Dealing with Post Traumatic Stressors of 9/11" - GLMH
- June 1999, Key note speaker for the Department of Mental Retardation, State of Washington, Ellensburg Annual Conference on Sex Offender Treatment for the Developmentally Disabled
- Winter, 1999, Key note speaker "Sex Offenders and Treatment," Seattle, Washington, Department of Mental Retardation
- Lecturer for Commonwealth Educational Seminars: Cape Cod, Braintree, Warwick, RI, on "Recent Advances in Anxiety Disorders", 1994.
- Center for Disease Control, September, 1992 – April, 1993, Course work in dealing with spread and treatment of HIV/AIDS in a public health and mental health paradigm
- Psychological Evaluation for Massachusetts State Police for Fitness of Duty for 270 police academy cadets, 1993
- Seminar presented on "Treatment of Panic Disorder", Lynn Hospital, 1993.
- Seminar presented on "Nature and Treatment of Anxiety Disorders", Baldpate Hospital, 1993.
- Behavioral Intervention with the Mentally Retarded, Atlanti-Care Hospital, Lynn, Spring 1990.
- Staff Training on Learning Theory, Massachusetts Osteopathic Hospital, Fall 1989.
- Cognitive-Behavioral Therapy Seminars, 10 weeks, to post-graduate

students and Newton-Wellesley Hospital, Spring 1989.  
Borderline Personality Disorder, Department of Mental Retardation, Spring 1989.  
Treatment of Sexual Offending, Department of Mental Health, Fall 1988  
Training in Cognitive Behavior, Psychology Treatment of Depression,  
Staff of Vietnam Veteran's Center, Veterans Administration, Winter 1986; Spring 1987.  
Presentation to Massachusetts Psychology Association, Cognitive-  
Behavioral Therapy in Groups; Agoraphobia Therapy Group, Fall 1985.  
Consultation in Behavioral Medicine to Dorchester Mental Health Clinic, 1985.  
Stress Management Workshop, Milford Dailey News, June 1985.  
Behavioral Medicine Treatment of Chronic Pain, Visiting Nurses Association, June 1985.  
Biofeedback and Treatment of Migraine Headache, Massachusetts General  
Hospital, Neurology Department, May 1985.  
Diagnosis and Treatment of Agoraphobia, Workshop at Neponset Mental  
Health Center, six-week training program, Spring 1984.  
Seminar presented on "Nature and Treatment of Phobic Disorders", Arbor Hospital, Fall 1982.  
Seminar presented on "Stress" to Psychology Department, Wrentham State School, Winter 1980.

**Awards and Acknowledgements:**

December 2006 – Retained Expert, Military Court Martial, United States Coast Guard, First District Legal  
Office, Atlantic Avenue, Boston, Massachusetts, retained by Coast Guard Expert Witness in Military  
Court Martial for a Sexual Offending Coast Guard Officer  
Training in the use of the Hare Psychopathy Checklist-Revised – September of 2006  
Consulting Psychologist with staff privileges, Newton-Wellesley  
Hospital, Department of Psychology, Newton, MA.  
Consulting Psychologist with staff privileges, Baldpate Hospital,  
Georgetown, MA.  
Intensive training in Biofeedback Instrumentation, Boston University  
Medical Center, August 1983.  
Certified to administer, score and interpret WAIS, WISC, WPPSI,  
Stanford-Binet Intelligence Tests and MMPI.  
DeWitt Wallace Fellowship (N.Y.U. Medical Center)  
Magna Cum Laude, Queens College, 1977.  
December, 1999, Key note presenter "Sex Offenders in Treatment", Seattle, Washington, Department of  
Mental Retardation

**Memberships (Past and Current):**

Association for the Treatment of Sexual Abusers (ATSA) – full member  
American Psychological Association  
Association for the Advancement of Behavior Therapy  
Massachusetts Psychological Association  
American Board of Forensic Examiners - full member

**Publications:**

P. Zeisel, Ed.M., Raynolds, M.A., M.Ed.  
Test Taking Skills Seminar -- a guide to reducing test anxiety in college.  
P. Zeisel, Psy.D. -- Home Relaxation Practice and Bronchial Asthma.

Licensure: Licensed to practice psychology as a psychologist in the Commonwealth of Massachusetts.

References will be furnished upon request.

**Extracurricular:**

- . Finalist, New York City High School outdoor track and field championship mile relay, 1973
- . University of Leeds basketball team – 1974, 1975
- . Marathon running
- . Youth coach, Boston Athletic Association since 1996 – present
- . Youth basketball coach
- . Youth soccer coach
- . Member of Board of Directors, Newton Girls' Basketball Association
- . Dana Hall Girls' School, Wellesley, MA - Cross-country coach – 1998, 1999
- . Adventure travel – Atlas Mountain, Morocco, Laos, Burma, Cambodia, Thailand